

[5th February 1925]

Mr. P. ANJANEYALU :—" May I know, Sir, whether this gentleman is to put in an apology to the Government or simply make a request to the Government? "

The hon. Sir ARTHUR KNAPP :—" The expression I used is, ' approaches the proper authority ', and that gives the gentleman in question a good deal of latitude as to the line he should adopt "

Civil Justice.

Public Prosecutor of Cuddapah.

* 107 Q.—Rai Bahadur T. M. NARASIMHACHARLU: Will the hon. the Law Member be pleased to state—

(a) whether the Government considered the case of any other persons or applicants to the post of Public Prosecutor and Government Pleader of Cuddapah district before they appointed the previous incumbent once again to the post ;

(b) whether the Government called upon the District Magistrate to report if any other proper person was not available for the post ;

(c) whether the Government were satisfied about the fitness of the present incumbent in every respect before he was appointed again to the post ;

(d) whether the District Superintendent of Police was consulted before the present incumbent was again appointed ; and

(e) whether it is not the declared policy of the Government to appoint other suitable proper persons, if available, instead of continuing the same person in office ?

A.—(a) No.

(b) Does not arise.

(c) Yes.

(d) The Government have no information.

(e) The Government deprecate the constant renewal of the terms of Government Pleaders and Public Prosecutors.

Rai Bahadur T. M. NARASIMHACHARLU :—" With reference to the answer to clause (e), how many renewals must there be for it to be considered constant and worthy of deprecation? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" There is no definite rule. Generally after two terms Government deprecate renewal for a further term in the case of Public Prosecutors and Government Pleaders."

Mr. A. RANGANATHA MUDALIYAR :—" Has the District Superintendent of Police any share in the choice of the person? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Government ask for information and advice from the District Judge and the District Magistrate and nobody else."

Mr. S. SATYAMURTI :—" Will the hon. the Law Member require that hereafter District Magistrates must not consult the District Superintendent of Police before making recommendations? "

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The hon. Mr. C. P. RAMASWAMI AYYAR :—" I am afraid I cannot comply with that request. The District Magistrate is entitled to get advice and opinion from anybody, official or non-official. All that we are concerned is that we get our advice from the District Magistrate and the District Judge."

Rai Bahadur T. M. NARASIMHACHARLU :—" The District Superintendent of Police ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" There are no rules on this matter. I do not know what the practice has been. All that I can say is that, so far as the policy of the Government is concerned in this matter at present, the District Magistrate and the District Judge are the only two persons who are consulted and nobody else."

Mr. R. SRINIVASA AYYANGAR :—" Formerly there was a rule, now abrogated, which asked the District Magistrates . . . "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" There is no question of abrogation. Government's policy has been always to accept the recommendations of the Collector and the Judge whenever they agree. But when they are at variance with each other, then it is that the Government have to make up their minds and choose a person themselves."

Mr. R. SRINIVASA AYYANGAR :—" My impression is that there was an old Government Order which asked the District Magistrate to consult the District Superintendent of Police. But two or three years ago a notification was issued by Government deprecating that practice."

Mr. P. N. MARTHANDAM PILLAI :—" Will the hon. the Law Member say if he does not agree that such a practice is unwholesome if it exists to-day ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I am afraid I am not prepared to answer that question."

Members of the Legislative Council holding posts under Government.

* 108 Q.—Mr. J. A. SALDANHA : Will the hon. the Law Member be pleased to state—

(a) whether there are any members of this Council who hold posts of official or quasi-official character such as Official Receiver or Government Pleader or Public Prosecutor for which they are entitled to remuneration from Government or fees from the estates they manage in official or quasi-official character ; and

(b) whether such members give sufficient attention to their official or quasi-official functions while their time is taken for attending the Council ?

A.—(a) So far as the Government are aware there is only one member of the Legislative Council who holds a quasi-official position.

(b) The Government have no information to the contrary.

Mr. S. SATYAMURTI :—" With reference to the answer to clause (a) may I know the name of the hon. Member referred to ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" The hon. Member for South Kanara who is the Official Receiver for South Kanara."